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9:12 AM.

Chapter No. 448
18/HR31/R1894SG
AM / EH

HOUSE BILL NO. 1239

Originated in House  Clerk

HOUSE BILL NO. 1239

AN ACT TO AMEND SECTION 11-51-75, MISSISSIPPI CODE OF 1972, TO REVISE THE PROCESS FOR APPEALS TO THE CIRCUIT COURT FROM A JUDGMENT OR DECISION OF THE BOARD OF SUPERVISORS OR THE GOVERNING AUTHORITY OF A MUNICIPALITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 11-51-75, Mississippi Code of 1972, is amended as follows:

11-51-75. Any person aggrieved by a judgment or decision of the board of supervisors of a county, or * * * the governing authority of a * * * municipality, may appeal * * * the judgment or decision to the circuit court of the county in which the board of supervisors is the governing body or in which the municipality is located. A written notice of appeal to the circuit court must be filed with the circuit clerk within ten (10) days from the date at which session of the board of supervisors or the governing authority of the municipality rendered the judgment or decision. Upon filing, a copy of the notice of appeal must be delivered to the president of the board of supervisors or to the mayor or city

clerk of the municipality and, if applicable, to any party who was a petitioner before the board of supervisors or the governing authority of the municipality.

(a) The notice of appeal filed in the circuit court with the circuit clerk shall contain the following:

(i) The name of the county board of supervisors or the name of the municipality as the appellee. If applicable, any party who was a petitioner before the board of supervisors or the governing authority of the municipality shall be named as an appellee.

(ii) A succinct statement of the reasons, or grounds, for the appeal.

(iii) A written description or designation of record which includes all matters that the appellant desires to be made part of the record.

(iv) Appellant must also deliver a copy of the notice of appeal and a written designation of the record, along with a list of all documents or transcripts in appellant's possession, to the clerk of the board of supervisors or to the clerk of the municipality.

(b) An appellee has ten (10) days from the filing of the notice of appeal with the circuit clerk to designate any other items or matters that appellee believes should be included in the designated record.

(c) The clerk of the board of supervisors or the municipal clerk must assemble a complete record of the proceedings to include all writings, matters, items, documents, plats, maps and transcripts of proceedings that were part of the record and deliver the complete record to the circuit clerk within thirty (30) days after the filing of the notice of appeal with the circuit clerk. The clerk of the board of supervisors or the municipal clerk shall certify that the record is accurate and complete and contains all writings, matters, items, documents, plats, maps and transcripts of proceedings designated by appellant and appellee in their designations of record.

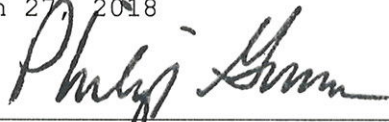
(d) The circuit court, as an appellate court, either in term time or in vacation, shall hear and determine the same on the record and shall affirm or reverse the judgment. The circuit court shall enter an order establishing a briefing schedule and a hearing date, if any, for the parties to appear and present oral argument. If the judgment is reversed, the circuit court shall render such judgment or decision as the board of supervisors or the governing authority of the municipality ought to have rendered, and certify the same to the board of supervisors or the governing authority of the municipality. Costs shall be awarded as in other cases.

(e) * * * No appeal to the circuit court shall be taken from any order of the board of supervisors or * * * the governing authority of the municipality which authorizes the issuance or

sale of bonds, but all objections to any matters relating to the issuance and sale of bonds shall be adjudicated and determined by the chancery court, in accordance with the provisions of Sections 31-13-5 * * * through 31-13-11 * * *. And all rights of the parties shall be preserved and not foreclosed, for the hearing before the chancery court, or the chancellor in vacation. * * *

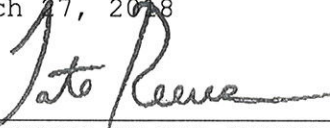
SECTION 2. This act shall take effect and be in force from and after July 1, 2018, but nothing in this act shall affect any appeal perfected before July 1, 2018.

PASSED BY THE HOUSE OF REPRESENTATIVES
March 27, 2018



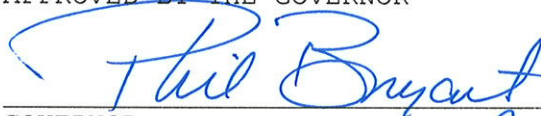
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 27, 2018



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

April 13, 2018
9:12 AM